## REMARKS

### Summary

Claims 1-4, 6-8 and 11-13 stand in this application. Claims 5, 6, 9 and 10 have been canceled. Claims 1 and 7 are currently amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested

### 35 U.S.C. § 103

At page 2, paragraph 5 claims 1-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ayyagari et al., U.S. Patent No. 7,020,681 (hereinafter "Ayyagari") in view of Meltzer et al., U.S. Patent No. 6,226,675 (hereinafter "Meltzer"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

The Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness. According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

As recited above, to form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. *See* MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in claims 1-13. Therefore claims 1-13 define over Ayyagari and Meltzer whether taken alone or in combination. For example, claim 1 recites the following language, in relevant part:

> a content based switching decision logic coupled to the XML parser to receive one or more configuration patterns, the content based switching decision logic to make a switching decision for the received message based upon a comparison of the one or more configuration patterns to the XML transaction information if the XML checker determines that the message includes XML information; and
>
> the network apparatus adapted to switch the message to an output port or to a selected processing node based upon business transaction information provided in XML in the message if the message includes XML information.

As correctly noted in the Office Action, the above-recited language is not disclosed by Ayyagari. According to the Office Action, the missing language is disclosed by Meltzer at Figure 3 and col. 21, line 41 to col. 22, line 9. Applicant respectfully disagrees.

Applicant respectfully submits that Meltzer fails to disclose the missing language of the claimed subject matter. For example, Meltzer at the given cite, in relevant part, states:

> FIG. 3 provides a simplified view of a participant node in the network according to the present invention. The node illustrated in FIG. 3 includes a network interface 300 which is coupled to a communication network on port 301. The network interface is coupled to a document parser 301. The parser 301 supplies the logical structures from an incoming document to a translator module 302, which provides for translating the incoming document into a form usable by the host transaction system, and vice versa translating the output of host processes

> into the format of a document which matches the output document form in the business interface definition for transmission to a destination. The parser 301 and translator 302 are responsive to the business interface definition stored in the participant module 303.
>
> The output data structures from the translator 302 are supplied to a transaction process front end 304 along with events signaled by the parser 301. The front end 304 in one embodiment consists of a JAVA virtual machine or other similar interface adapted for communication amongst diverse nodes in a network. The transaction processing front end 304 responds to the events indicated by the parser 301 and the translator 302 to route the incoming data to appropriate functions in the enterprise systems and networks to which the participant is coupled. Thus, the transaction process front end 304 in the example of FIG. 3 is coupled to commercial functions 305, database functions 306, other enterprise functions such as accounting and billing 307, and to the specific event listeners and processors 308 which are designed to respond to the events indicated by the parser.
>
> The parser 301 takes a purchase order like that in the example above, or other document, specified according to the business interface definition and creates a set of events that are recognized by the local transaction processing architecture, such as a set of JAVA events for a JAVA virtual machine.

As indicated above, Meltzer arguably discloses a system to generate a document according to a "business interface definition" using data from an incoming document. Meltzer arguably uses a series of nodes, each with a particular function, to process a variety of events that are created by a parser. The output of Meltzer is arguably a document that is defined by a "business interface definition." By way of contrast, the claimed subject matter makes a switching decision using a content based switching decision logic coupled to the XML parser to receive one or more configuration patterns, the content based switching decision logic makes a switching decision for the received message based upon a comparison of the one or more configuration patterns to the XML transaction information if the XML checker determines that the message includes XML information; and switches the message to an output port or to a selected processing node

based upon business transaction information provided in XML in the message if the message includes XML information. The claimed subject matter uses a comparison of configuration patterns and XML transaction information to make a switching decision. Meltzer arguably discloses routing "events" that are parsed with within an XML document to nodes so that the "events" may be processed in accordance with a "business interface definition." This is clearly different than making a switching decision for a document using a comparison of configuration patterns and XML transaction information. Therefore, Meltzer fails to disclose, teach or suggest the missing language. Consequently, Ayyagari and Meltzer, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 1.

Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *See* MPEP § 2143.03, for example. Accordingly, removal of the obviousness rejection with respect to claims 2-4 is respectfully requested. Claims 2-4 also are non-obvious and patentable over Ayyagari and Meltzer, taken alone or in combination, at least on the basis of their dependency from claim 1. Applicant, therefore, respectfully requests the removal of the obviousness rejection with respect to these dependent claims.

Claim 7 contains features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claim 7 is non-obvious and patentable over Ayyagari and Meltzer, taken alone or in combination, for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claim 7. Furthermore, Applicant respectfully requests withdrawal of the obviousness rejection with respect to claims 8 and 11-13 that

depend from claim 7and therefore contain additional features that further distinguish these claims from Ayyagari and Meltzer, whether taken alone or in combination.

**Conclusion**

For at least the above reasons, Applicant submits that claims 1-4, 6-8 and 11-13 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-4, 6-8 and 11-13 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-9338 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the credit card in the previously filed credit card authorization form.

Respectfully submitted,

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John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

Dated: October 12, 2007

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